

The Honorable Tana Lin

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
KYLE CHRISTOPHER BENTON,  
  
Defendant.

NO. CR24-162 TL  
UNITED STATES' UNOPPOSED  
MOTION TO  
SEAL EXHIBIT A

NOTE ON MOTION CALENDAR:  
July 9, 2025

The United States hereby requests that Exhibit A (Photograph), which will be filed under seal following this motion, be allowed to remain under seal. The Exhibit contains an image of one of Benton's rifles pointed at his minor child, recovered from Benton's cellphone, which was searched pursuant to a judicially authorized search warrant.

"Historically, courts have recognized a 'general right to inspect and copy public records and documents, including judicial records and documents.'" *Kamakana v. City & Cnty. of Honolulu*, 447 F. 3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)). This right is justified by the interests of citizens in "keeping a watchful eye on the workings of public agencies. *Id.* A party seeking to seal a judicial record bears the burden of overcoming this strong presumption by meeting the 'compelling reasons' standard. *Kamakana*, 447 F.3d at 1178. What constitutes a

1 “compelling reason” is “best left to the sound discretion of the trial court.” *Nixon*, 435 U.S.  
2 at 599.

3 Here, the image the government seeks to file under seal is the child of the defendant.  
4 The image shows the minor child with a rifle barrel trained on its head from what appears  
5 to be close range. The government believes the image, by its nature, cannot be redacted.  
6 Because the image cannot be redacted, the government believes the child’s privacy interest  
7 in this context satisfies the compelling reasons standard. As such, the government  
8 respectfully requests that Exhibit A remain under seal.

9 The government consulted with Benton’s attorney, Dawn Farina, who indicated that  
10 this motion could be filed unopposed.

11 DATED this 9<sup>th</sup> day of July, 2025.

12 Respectfully submitted,

13 TEAL LUTHY MILLER  
14 Acting United States Attorney

15  
16 /s/ Brian J. Wynne

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